

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 ARTHUR L. SMITH, JR.,

9 Petitioner,

10 v.

11 DR. HENRY RICHARDS, Ph.D.,

12 Respondent.

13 Case No. C07-5039 RBL

14 ORDER DENYING ISSUANCE OF
CERTIFICATE OF APPEALABILITY

15 THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal [Dkt.
16 #29] and Respondent's Response to Petitioner's Motion for Issuance of Certificate of Appealability [Dkt. #31].

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18 For the reasons stated in the Report and Recommendation [Dkt. #25], the Court declines to issue a
19 certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of a
20 constitutional right." 28 U.S.C. §2253(c)(2).

21 **IT IS SO ORDERED.**

22 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
23 pro se.

24 Dated this 15th day of October, 2007.

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RONALD B. LEIGHTON
27 UNITED STATES DISTRICT JUDGE
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